

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:17-00103

TRISTEN PAXTON

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On September 13, 2021, the United States of America appeared by Courtney L. Cremeans, Assistant United States Attorney, and the defendant, Tristen Paxton, appeared in person and by his counsel, Brian D. Yost, Esq., for a hearing on a petition, amended petition and second amended petition seeking revocation of supervised release, submitted by United States Probation Officer Patrick M. Fidler. The defendant commenced a three (3) year term of supervised release in this action on April 15, 2020, as more fully set forth in the Judgment in a Criminal Case entered by the court on November 6, 2017.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found by a preponderance of the evidence that the defendant has violated the conditions of supervised release in the following respects: (1) on July 5, 2020, the defendant committed a state crime of domestic battery, (2) on June 10, 2020, and June 26, 2020, the defendant tested positive for marijuana and, on June 10, 2020, the defendant admitted to the probation officer that he used marijuana approximately one to one and a half weeks prior to the testing, and (3) on or about July 5, 2020, the defendant was in Clarksburg, in the Northern District of West Virginia, when he did not have permission from the court or the probation officer to be outside the Southern District of West Virginia, all as admitted on the record of the hearing by the defendant, and (4) on July 28, 2020, the defendant possessed with intent to distribute 14.08 grams of heroin; all as set forth in the petition, and by the court's findings on the record of the hearing.

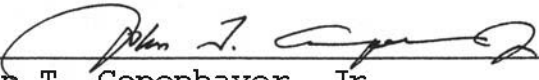
And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32.1(b)(2) and (c)(1) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583 (e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of TWELVE (12) MONTHS, with TWO (2) years of supervised release with the same terms and conditions as heretofore.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: September 14, 2021



John T. Copenhaver, Jr.
Senior United States District Judge